

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1719

S.P. 568

In Senate, May 14, 2019

An Act To Improve Geographic Information System Data Acquisition and Maintenance

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.
Cosponsored by Representative HICKMAN of Winthrop and
Senators: CARSON of Cumberland, DAVIS of Piscataquis, MIRAMANT of Knox,
Representatives: AUSTIN of Gray, KESCHL of Belgrade.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §1993**, as enacted by PL 2005, c. 12, Pt. SS, §16, is amended to
3 read:

4 **§1993. Powers**

5 The Office of Information Technology through the Office of Geographic Information
6 Systems shall:

7 **1. Geographic information system.** ~~Establish~~ In coordination with the Maine
8 Library of Geographic Information established under Title 12, chapter 432, establish,
9 maintain and operate a geographic data base information center, develop and administer
10 standards related to state agencies, subject to the approval of the Chief Information
11 Officer, and provide for the public's access to geographic information system services to
12 the public data. A request to provide the Legislature or an office of the Legislature with
13 existing information for the purposes of making policy decisions must be considered high
14 priority;

15 **2. GIS data repository.** ~~Create~~ In coordination with the Maine Library of
16 Geographic Information established under Title 12, chapter 432, create a GIS data
17 repository for the proper management of GIS data and ensure the GIS data are
18 documented, including ownership. Data must be stored and managed in a manner that
19 facilitates the evolution of a distributed agency GIS network; and

20 ~~**3. Data ownership.** Maintain GIS base map data and other multipurpose data not~~
21 ~~specific to any state agency. All other GIS data are owned by the agency originally~~
22 ~~compiling the mapped data that were digitized for the GIS. Data owners are responsible~~
23 ~~for updating their GIS data and certifying its accuracy;~~

24 ~~**4. Accuracy level.** Ensure that GIS data added on the GIS data repository are~~
25 ~~developed and maintained at an accuracy level and in a format that meets the GIS data~~
26 ~~standards, kept in a format that is compatible with the GIS and, upon request of a~~
27 ~~potential user, made available to the user;~~

28 ~~**5. Charges.** Levy appropriate charges on those using the services provided by the~~
29 ~~office, except that charges may not be levied on the Legislature for existing information.~~
30 ~~The charges must be fixed in a schedule or schedules. The schedule of charges must be~~
31 ~~supported and explained by accompanying information and approved by the Chief~~
32 ~~Information Officer and the commissioner; and~~

33 **6. Consultation with Chief Information Officer.** Consult with the Chief
34 Information Officer on all major policy issues, including fee schedules, related to the
35 management of GIS data and development of GIS data standards.

36 **Sec. 2. 5 MRSA §§1994 and 1995**, as enacted by PL 2005, c. 12, Pt. SS, §16, are
37 repealed.

1 **Sec. 3. 5 MRSA §1996**, as enacted by PL 2005, c. 12, Pt. SS, §16, is amended to
2 read:

3 **§1996. Priority of responsibilities**

4 The activities authorized under this subchapter do not take priority over the primary
5 responsibilities of the Office of Information Technology. ~~If there are not sufficient~~
6 ~~financial or personnel resources for the Office of Geographic Information Systems to~~
7 ~~perform certain GIS services and deliver GIS data and products as provided in this~~
8 ~~subchapter,~~ The administrative management functions related to the Office of
9 Geographic Information Systems, technical support for other state agency GIS users,
10 office equipment maintenance and GIS data base management must take precedence.

11 **Sec. 4. 5 MRSA c. 163, sub-c. 4**, as amended, is repealed.

12 **Sec. 5. 5 MRSA §12004-G, sub-§30-B**, as amended by PL 2005, c. 12, Pt. SS,
13 §18, is further amended to read:

14 **30-B.**

15 Public	Maine Library of	Expenses Only	5- <u>12 MRSA §2003</u>
16 Information	Geographic		<u>§5304</u>
17	Information Board		

18 **Sec. 6. 12 MRSA c. 432** is enacted to read:

19 **CHAPTER 432**

20 **MAINE LIBRARY OF GEOGRAPHIC INFORMATION**

21 **§5301. Short title**

22 This chapter may be known and cited as "the Maine Library of Geographic
23 Information Act."

24 **§5302. Definitions**

25 As used in this chapter, unless the context otherwise indicates, the following terms
26 have the following meanings.

27 **1. Association.** "Association" means an organization:

28 A. Whose membership is identifiable by regular payment of organizational dues or
29 regularly maintained membership lists;

30 B. That is registered with the State or is a legal entity chartered in the State; and

31 C. That exists for the purpose of advancing the common goals, occupation or
32 profession of its membership.

33 **2. Data custodian.** "Data custodian" means a federal data custodian, state data
34 custodian or nonstate data custodian.

1 **3. Federal data custodian.** "Federal data custodian" means any branch, agency or
2 instrumentality of the Federal Government.

3 **4. Geographic information board.** "Geographic information board" means the
4 Maine Library of Geographic Information Board as set out in section 5304.

5 **5. Geographic information system or GIS.** "Geographic information system" or
6 "GIS" means a computer system capable of assembling, storing, manipulating, analyzing
7 and displaying information identified according to location. A GIS includes operating
8 personnel, hardware, software and the data that go into the system.

9 **6. Geographic information system data or GIS data.** "Geographic information
10 system data" or "GIS data" means geographic information that has been compiled and
11 digitized for use in geographic information systems.

12 **7. Geolibrarian.** "Geolibrarian" means the librarian of the Maine Library of
13 Geographic Information appointed pursuant to section 5303, subsection 2.

14 **8. GIS information officer.** "GIS information officer" means the person appointed
15 pursuant to section 5303, subsection 3.

16 **9. Maine Library of Geographic Information.** "Maine Library of Geographic
17 Information" or "Geolibrary" means the statewide network created within the Department
18 of Agriculture, Conservation and Forestry pursuant to this chapter by which data
19 custodians or their designees organize and catalog public geographic information and
20 provide access to that information to all levels of government and to the public.

21 **10. Nonstate data custodian.** "Nonstate data custodian" means any agency or
22 instrumentality of a political subdivision of the State.

23 **11. Public geographic information.** "Public geographic information" means public
24 information that is referenced to a location. Public geographic information includes, but
25 is not limited to, physical, legal, economic or environmental information or
26 characteristics concerning land, water, groundwater, subsurface resources or air in this
27 State relating to:

28 **A. Topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife**
29 **and associated natural resources;**

30 **B. Land ownership, land use, land use controls and restrictions, jurisdictional**
31 **boundaries, tax assessments, land value and land survey records and references; and**

32 **C. Geodetic control networks, aerial photographs, maps, planimetric data, remote**
33 **sensing data, historic and prehistoric sites and economic projections.**

34 **12. Public information.** "Public information" means information that is stored,
35 gathered, generated, maintained or financed by a data custodian. Information of state and
36 nonstate data custodians is public information only if it is either:

37 **A. A public record under Title 1, section 402, subsection 3; or**

38 **B. Otherwise expressly authorized by law to be released.**

1 The presence of data in the Geolibrary does not, by itself, make that information a public
2 record.

3 **13. State data custodian.** "State data custodian" means any branch, agency or
4 instrumentality of State Government.

5 **14. State funds.** "State funds" means bond revenues and General Fund money
6 appropriated by the Legislature for the purposes of this chapter.

7 **§5303. Geolibrary; staff**

8 **1. Geolibrary.** The Maine Library of Geographic Information is established within
9 the Department of Agriculture, Conservation and Forestry pursuant to this chapter.

10 **2. Geolibrarian.** The commissioner shall appoint as the Geolibrarian a person with
11 knowledge of GIS data models, concepts, techniques and technologies and information
12 and library science who shall:

13 A. Collect, organize, disseminate and preserve geographically referenced data in the
14 Geolibrary;

15 B. Provide assistance in referencing and displaying GIS data;

16 C. Coordinate information systems support with an emphasis on geographic data and
17 map-based interfaces.

18 **3. GIS information officer.** The commissioner shall appoint as the GIS information
19 officer a person to advise the geographic information board and the commissioner
20 regarding GIS data needs for acquisition, maintenance and distribution of GIS data. The
21 GIS information officer shall:

22 A. Plan, organize and direct the Geolibrary's GIS data program;

23 B. Formulate statewide GIS data acquisition and distribution programs;

24 C. Develop policies and procedures for GIS data acquisition and distribution;

25 D. Design, oversee and manage projects;

26 E. Manage grant funds; and

27 F. Coordinate partnerships with local, state and federal agencies, public and private
28 companies, nonprofit organizations and other GIS stakeholders.

29 **§5304. Maine Library of Geographic Information Board**

30 **1. Purposes and duties.** The Maine Library of Geographic Information Board, as
31 established by Title 5, section 12004-G, subsection 30-B, is created within the
32 Department of Agricultural, Conservation and Forestry and has the following purposes
33 and duties:

34 A. To oversee the Geolibrary to ensure that it operates as a coordinated, cost-
35 effective electronic gateway providing public access to data custodians' public
36 geographic information. Nothing in this paragraph may be construed to affect the

1 rights of persons to inspect or copy public records under Title 1, chapter 13,
2 subchapter 1 or the duty of data custodians to provide for public inspection and
3 copying of those records;

4 B. To maintain GIS base map data and other multipurpose data not specific to any
5 state agency. All other GIS data are owned by the agency that originally compiled
6 the mapped data that were digitized for the GIS. Data owners are responsible for
7 updating their GIS data and certifying data accuracy;

8 C. To ensure that GIS data acquired by the Geolibrary for base mapping purposes
9 and added to the Geolibrary are developed and maintained at an accuracy level and in
10 a format that meets current GIS data standards, maintained in a format that is
11 compatible with the GIS and made available to a user upon request;

12 D. To establish and maintain standards, rules and policies for nonstate data
13 custodians' geographic information that is incorporated into the Geolibrary. These
14 standards, rules and policies must be consistent with the standards, rules and policies
15 set by the Chief Information Officer within the Department of Administrative and
16 Financial Services that govern state data custodians' information technology. The
17 geographic information board shall adopt rules to carry out this chapter. Rules
18 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
19 chapter 375, subchapter 2-A. Standards and policies may concern, without
20 limitation:

21 (1) Methods of access to and delivery of information held by the Geolibrary;

22 (2) Geographic information system technical specifications;

23 (3) Data content, metadata and security, including guideline criteria for
24 accepting 3rd-party data from data custodians or data volunteered from the
25 private sector;

26 (4) Privacy and privacy protection;

27 (5) Mechanisms to correct inaccuracies; and

28 (6) Data validation tools and processes;

29 E. To reduce redundancies in the creation, verification and maintenance of public
30 geographic information and to enhance its utility for complex analyses.

31 (1) Each state data custodian that acquires, purchases, verifies, maintains or
32 produces geographic information with state funds or grants shall:

33 (a) Inform the geographic information board and the Office of Geographic
34 Information Systems, established in Title 5, section 1992, of the existence of
35 this information and its geographic extent; and

36 (b) Upon request, provide to the Geolibrary an electronic copy of all
37 information classified as public, in a form compatible with standards set by
38 the Chief Information Officer within the Department of Administrative and
39 Financial Services.

1 (2) Each nonstate data custodian, or its designee, that acquires, purchases,
2 verifies, maintains or produces geographic information with state funds
3 specifically provided for that purpose shall:

4 (a) Inform the geographic information board and the Office of Geographic
5 Information Systems, established in Title 5, section 1992, of the existence of
6 this information and its geographic extent; and

7 (b) Upon request, provide to the Geolibrary and Office of Geographic
8 Information Systems, established in Title 5, section 1992, an electronic copy
9 of all information classified as public, in a form compatible with standards
10 set by the Chief Information Officer within the Department of Administrative
11 and Financial Services;

12 F. To set priorities and authorize the expenditure of state funds, including awarding
13 grants or subgrants to data custodians when available. The geographic information
14 board may seek federal and other funding partners, accept gifts and grants and
15 expend the funds acquired for purposes consistent with this chapter;

16 G. To promote innovative uses of geographic information through the provision of
17 verified, coordinated, intergovernmental information via the Geolibrary. The
18 geographic information board shall seek advice from the general public, professional
19 associations, academic groups and institutions and individuals with knowledge of and
20 interest in geographic information regarding needed information and potential
21 innovative uses of geographic information;

22 H. To enter partnerships to promote the purposes of this chapter;

23 I. To conduct studies relating to the coordination, development and use of statewide
24 geographic information;

25 J. To report annually by January 1st to the joint standing committees of the
26 Legislature having jurisdiction over natural resources matters and state and local
27 government matters. The report must provide a review of the past year's activities,
28 including, but not limited to, a description of standards adopted, data added to the
29 Geolibrary, partnerships established, studies conducted and financial activity. The
30 Geolibrary shall also make this report available to the public. This report may also
31 include suggested legislative language intended to address geographic information
32 issues needing legislative action; and

33 K. To develop appropriate internal services to facilitate access to and use of data by
34 governmental agencies and the public. The Geolibrary may not compete directly
35 with private enterprise. The Geolibrary shall work in partnership with nonstate data
36 custodians to promote the purposes of this chapter.

37 **2. Membership.** The geographic information board consists of 14 voting members
38 as follows:

39 A. The commissioner or the commissioner's designee;

40 B. Two members who are responsible for overseeing GIS functions of a state
41 department that is a data custodian of geographic information, appointed by the
42 Governor;

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C. Eight representatives as follows:

(1) A representative of the University of Maine System, appointed by the Chancellor of the University of Maine System;

(2) Two representatives of a statewide association of municipalities, one representative appointed by the President of the Senate from nominations made by the association's governing body and one representative appointed by the Speaker of the House from nominations made by the association's governing body;

(3) One representative of a statewide association of regional councils, appointed by the Speaker of the House from nominations made by the Department of Agriculture, Conservation and Forestry;

(4) One representative of a statewide association of counties, appointed by the Governor from nominations made by the association's governing body;

(5) One representative of a statewide association representing real estate and development interests, appointed by the President of the Senate;

(6) One representative of a statewide association representing environmental interests, appointed by the Speaker of the House; and

(7) One member representing public utilities, appointed by the Governor;

D. Two members of the private sector representing geographic information vendors, one member appointed by the President of the Senate and one member appointed by the Speaker of the House; and

E. One public member, appointed by the President of the Senate.

The terms for the members appointed pursuant to paragraphs B, C, D and E are 3 years. A member who designates another person to serve on the geographic information board as that member's designee pursuant to paragraph A shall provide written notice to the geographic information board's staff of the name and title of the designee.

3. Board chair. The geographic information board shall annually elect a chair from its membership at the first meeting in each year.

4. Staff. Staff support to the geographic information board is provided by the Department of Agriculture, Conservation and Forestry.

5. Quorum; action. Eight members of the geographic information board constitute a quorum. The affirmative vote of 7 members is necessary for any action taken by the geographic information board. A vacancy in the membership of the geographic information board does not impair the right of a quorum to exercise all the powers and perform the duties of the geographic information board. The geographic information board may use video conferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1.

6. Meetings. The geographic information board shall meet at the call of the chair but not less than quarterly. Notice must be provided no less than 5 working days prior to the meeting. Notice may be in writing by facsimile or electronic transmission.

1 **7. Memoranda of understanding.** Information to be provided by a nonstate data
2 custodian to the Geolibrary may be governed by memoranda of understanding between
3 the geographic information board and the nonstate data custodian.

4 **8. Data custodian responsibilities.** Federal and nonstate data custodians may
5 voluntarily contribute data to the Geolibrary. Data developed with state funds must be
6 submitted to the Geolibrary, except when distribution of the data is prohibited under state
7 or federal laws. Data custodians or their designees are responsible for:

8 A. Ensuring that the public geographic information is accurate, complete and current
9 through the creation of adequate procedures;

10 B. Updating source databases following verification of suggested corrections that
11 users submit in accordance with geographic information board standards;

12 C. Complying with standards adopted by the geographic information board; and

13 D. Providing reasonable safeguards to protect confidentiality.

14 **§5305. Liability**

15 The geographic information board and any of the parties submitting data to the
16 Geolibrary for public use may not be held liable for any use of the data.

17 **§5306. Copyrights and fees**

18 Copyright or licensing restrictions may not be fixed by the geographic information
19 board or data custodians to the information made available through the Geolibrary. The
20 geographic information board may set fees for electronic copies of Geolibrary data that
21 are no more than 3 times the actual cost of reproduction. The geographic information
22 board shall set fee schedules annually and make them readily available to requestors.

23 **§5307. Geographic information system data accounts**

24 **1. Accounts established.** There are established within the Geolibrary separate
25 accounts, referred to in this section as "the accounts," to be administered by the
26 geographic information board.

27 **2. Sources of funding.** The following must be paid into the accounts:

28 A. All money appropriated for inclusion in the accounts;

29 B. All interest earned from investments of the accounts;

30 C. Any money allocated from Other Special Revenue Funds accounts for the purpose
31 of the accounts;

32 D. Proceeds from any bonds issued for the purpose of the accounts; and

33 E. Matching funds received from the Federal Government or other legal entity for
34 GIS data acquisition expenditures made from the accounts pursuant to subsection 4.

35 **3. Use of accounts.** The purpose of the accounts is to continue projects developed
36 by the geographic information board. The accounts must be used to provide and maintain

1 to the extent practicable statewide GIS datasets necessary for the efficient delivery of
2 state services and to conserve state expenditures through partnerships with other GIS
3 stakeholders interested in acquiring the same datasets. The accounts may be used at the
4 discretion of the geographic information board for acquiring GIS data primarily including
5 but not limited to the following datasets:

6 A. An orthoimagery program. Imagery collected through this program must be from
7 all areas of the State and be 4-band images that include the red, green, blue and near
8 infrared bands; and

9 B. An elevation dataset. A consistent statewide elevation dataset must be collected
10 using light detection and ranging technology or an equivalent method.

11 4. Matching funds. State funds used to purchase GIS data must be matched by
12 funding from other sources at at least a one-to-one ratio.

13 5. Annual report. The GIS information officer shall submit a written report by
14 January 15, 2020 and annually thereafter to the Governor and the Legislature on the
15 accounts' balances and expenditures.

16 SUMMARY

17 This bill moves the Maine Library of Geographic Information, the Geolibrary, from
18 the Department of Administrative and Financial Services to the Department of
19 Agriculture, Conservation and Forestry and establishes the Maine Library of Geographic
20 Information Board in the Department of Agriculture, Conservation and Forestry to
21 administer the Geolibrary. This bill adds a Geolibrarian and a GIS information officer,
22 appointed by the Commissioner of Agriculture, Conservation and Forestry, to the staff of
23 the Maine Library of Geographic Information, to collect, perserve and disseminate data,
24 manage funds and direct the Geolibrary's activities. The bill repeals language allowing
25 the administrator of the Office of Geographic Information Systems to enter into
26 agreements with other agencies and to accept funds from public and private
27 organizations, repeals language describing licensing agreement and fee requirements for
28 geographic information system data and repeals language allowing the Maine Library of
29 Geographic Information Board to hear and resolve disputes related to geographic
30 information system data.